

II. Claims 45-49, drawn to a method for producing a diffuser including the steps of

- a hollow body is used for the diffuser which is filled at least in sections with a first diffusion medium,
- a second diffusion medium is injected into the first diffusion medium.

In response to the Restriction Requirement of June 13, 2006, applicant elects Group I, Claims 26-44 with traverse.

It should be noted that the action itself states that claims 26-44 are subject to restriction and this is an error since claims 26-49 are in the case. Nevertheless, Group I, Claims 26-44 are elected with traverse.

It is respectfully submitted that the Restriction Requirement is in error and is not supportable at least because according to 37 CFR 1.475(b)(1), a product and a process specially adapted for the manufacture of said product should be considered to have unity of invention.

Accordingly, the question is whether the method steps of claim 45 are suitable for manufacturing the product according to claim 26. Claim 45 shows all the steps which are necessary to produce a diffuser for the light applicator of claim 26. Therefore, Group I, Claims 26-44 and Group II, Claims 45-49 together have unity of invention.

In further support that unity of invention is present and the restriction requirement is not supportable, note that the international searching authority determined that original claims 1-20 and original claim 23 all had unity of invention. Original claim 23 corresponds to new claim 45 herein. Accordingly, since the question of unity of invention in accordance with the PCT rules as cited in the action itself is determined, the unity of

invention question pertaining to claims 26-49 is most appropriately resolved in favor of the applicant, therefore, examination of claims 26-49 together is respectfully requested.

In summary, the requirement is respectfully traversed, and election of Group I, Claims 26-44 is made only because the Office Action requires it.

By this present submission, Applicants make no admission and this submission is being made to further prosecution to allowable subject matter.


If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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